

REMARKS:

Claims 1-21 are pending in the application. By this amendment, claims 6 and 7 are amended. Applicants respectfully request entry of the above amendments, and consideration of the following remarks.

35 U.S.C. §112 Rejections

Claims 6 and 7 stand rejected under 35 U.S.C. §112, second paragraph. Claims 6 and 7 are hereby amended in accordance with the suggestions of the Examiner. Applicants therefore request withdrawal of the claim rejections under 35 U.S.C. §112, second paragraph.

35 U.S.C. §102 Rejections

Claims 1-4 and 12-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Vaillancourt (U.S. Patent No. 5,591,138).

Claim 1 recites, among other things:

a first guide part operative to allow free longitudinal sliding movement of the second member relative to the first member, and a second guide part operative on movement by manual relative rotation of the first and second members and following release of a force urging the second member to expose the needle...

Vaillancourt discloses a protected needle assembly that is primarily shown in Figures 1 to 6. The device comprises a hub 12 for connecting the device to a syringe, a housing 11 of rigid material and a sheath 17 also of rigid material. The housing comprises a tubular member and is connected to the sheath by a rubber sleeve 20. A coil spring 19 biases the sheath to cover the syringe needle. The sheath has a projection 21 that slides within and is guided by grooves 23, 24 and 25. The rubber sleeve is arranged to bias the projection into grooves 23 and 25. The sheath is held in a retracted position when the projection is in groove 25 and covers the needle when in groove 23. In groove 24, the sheath can move longitudinally against the force of the spring. The operation of the assembly is discussed in column 6.

In use, the sheath can be retracted by manual force and, due to torsional forces applied to the rubber sleeve, the projection will slide into groove 25 thereby holding the sheath in a retracted position. When the syringe is not required after an injection, the user can return the projection to groove 24 in which the spring will urge the sheath, and thus the projection, toward

groove 23. Once again torsional forces applied to the sleeve will urge the projection into groove 23 with the sheath covering the needle. If the user wishes to lock the assembly into this position, they must rotate the shaft so that the projection enters constricted portion 27 (column 7, lines 30-35).

This is contrary to the device presently defined in the claims. In particular, the device is defined as comprising “a second guide part operative on the movement by manual relative rotation of the first and second members and following release of a force urging the second member to expose the needle” Vaillancourt does not show manual relative rotation as rotation into groove 23 is effected by the torsional forces stored by the rubber sleeve. Thus the user is not able to choose when the device enters the groove 23. Further, the groove 23 is not operative following release of a force urging the second member to expose the needle. The user therefore does not have a choice of manually operating the needlestick prevention device.

Also, claim 1 states “the spring urges the second member to cover the needle and to operate the lock to retain the second member covering the needle” This is not disclosed in Vaillancourt. It is clearly stated in column 7, lines 34-37 that the lock is activated by manual twisting and not by the spring as claimed.

Because Vaillancourt does not teach the subject matter of claim 1, claim 1 is allowable. Claims 2-4 and 12-21 depend from claim 1, and are therefore allowable for the same and other reasons as claim 1.

35 U.S.C. §103 Rejections

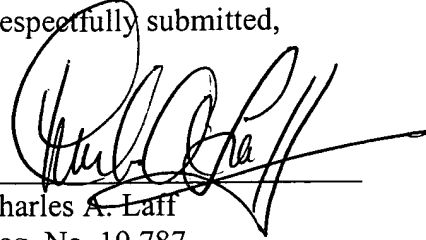
Claims 5-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Vaillancourt. Claims 5-11 depend from claim 1. Claim 1 is allowable for at least the reasons discussed above. Claims 5-11 are therefore allowable for the same and other reasons as claim 1.

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CONCLUSION:

In view of the foregoing, entry and allowance of claims 1-21 are respectfully requested.
The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles A. Laff', written over a horizontal line.

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